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Secretary of State
State of West Virginia
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Cheryl Dean Riley
300 Third St.
PO Box 1518
Elkins, WV 26241

FILED

APR 25 2022

**U.S. DISTRICT COURT
ELKINS WV 26241**

Control Number: 291505

Defendant: OHIO VALLEY VENEER, INC.
165 NO NAME ROAD
PIKETON, OH 45661 US

Agent: EDWARD ROBBINS

County: Federal

Civil Action: 2:22-CV-4

Certified Number: 92148901125134100003491600

Service Date: 4/19/2022

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia ☒WILLIAM R. DEAN and
DEBORAH DEAN, husband and wife

Plaintiff(s)

v.

RICKY WILLS, OHIO VALLEY VENEER INC., an
Ohio corporation, and ED ROBBINS TRUCKING,
LLC, an Ohio limited liability company

Defendant(s)

Civil Action No. 2:22-CV-4

FOR RETURN

CLERK OF COURT
NORTH DISTRICT OF WEST VIRGINIA
7/17 APR 19 P 12:20
MAIL ROOM

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Ohio Valley Veneer Inc.
c/o Edward J. Robbins
165 No Name Road
Piketon, OH 45661

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

R. Edison Hill, Esq.
HILL PETERSON CARPER BEE & DEITZLER, PLLC
NorthGate Business Park
500 Tracy Way
Charleston, WV 25311-1261

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Cheryl Dean Riley

Date: April 13, 2022

Signature of Clerk or Deputy Clerk

By: C Daniels
Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 2:22-CV-4

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS WILLIAM R. DEAN and DEBORAH DEAN, husband and wife (b) County of Residence of First Listed Plaintiff <u>Webster</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) R. Edison Hill, Hill Peterson Carper Bee & Deitzler, PLLC, 500 Tracy Way, Charleston, WV 25311; 304-345-5667	DEFENDANTS RICKY WILLS, OHIO VALLEY VENEER INC., an Ohio corporation, and ED ROBBINS TRUCKING, LLC, an Ohio limited liability company County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known) _____
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6
PTF	DEF	PTF	DEF														
Citizen of This State	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)				Click here for: Nature of Suit Code Descriptions.	
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1332

Brief description of cause:
Diversity of Jurisdiction

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 04/13/2022 SIGNATURE OF ATTORNEY OF RECORD s/R. Edison Hill

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS DIVISION**

ELECTRONICALLY FILED Apr 13 2022 U.S. DISTRICT COURT Northern District of WV
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**WILLIAM R. DEAN and
DEBORAH DEAN, husband
and wife,**

Plaintiffs,

v.

**CIVIL ACTION NO.: 2:22-CV-4 (Kleeh)
Judge:**

**RICKY WILLS, OHIO VALLEY
VENEER INC., an Ohio corporation,
and ED ROBBINS TRUCKING, LLC,
an Ohio limited liability company,**

Defendants.

COMPLAINT

For their cause of action Plaintiffs William R. Dean and Deborah Dean, by counsel R. Edison Hill, and the law firm of HILL, PETERSON, CARPER, BEE & DEITZLER, PLLC, state and aver as follows:

PARTIES

1. That Plaintiffs William R. Dean and Deborah Dean, husband and wife (sometimes referred to herein as “Plaintiffs”), are and at all relevant times herein stated were citizens and residents of Webster Springs, Webster County, West Virginia.

2. That upon information and belief Defendant Ricky Wills is believed to be a citizen and resident of Wellston, Jackson County, Ohio.

3. That Defendant Ohio Valley Veneer Inc., an Ohio corporation (hereinafter referred to as “Ohio Valley Veneer”), is and was at all relevant times herein stated authorized to do business in West Virginia. Its principal place of business is located at 165 No Name Road, Piketon, Ohio 45661.

4. That Defendant Ed Robbins Trucking, LLC, a limited liability company registered in the State of Ohio (hereinafter sometimes referred to as "Ed Robbins Trucking"), is and was at all relevant times herein stated authorized to do business in West Virginia. Its principal place of business is located at 1237 Jasper Road, Piketon, Ohio.

FACTS

5. On April 16, 2020, at or about 11:23 a.m., Plaintiff William R. Dean was operating a 2018 Chevrolet Silverado pickup truck, bearing West Virginia license plate number ABM160, traveling North on WV Route 20 towards Webster Springs, Webster County, West Virginia.

6. At the above time and place, Defendant Ricky Wills was operating a 2007 Western Star tractor trailer truck loaded with logs, bearing Ohio license plate number PVM9713, and was traveling South on WV Route 20, near Webster Springs, Webster County, West Virginia.

7. At the above-referenced time and place, Defendant Ricky Wills operated the Western Star truck with a fully loaded trailer of cut lumber in a negligent and/or reckless manner.

8. At all relevant times herein stated, Plaintiff William R. Dean was operating his vehicle in a reasonable and safe manner.

9. As a direct and proximate result of the negligent acts of Defendant Ricky Wills, the Western Star tractor trailer truck he was operating violently collided with the front driver's side of the vehicle being operated by Plaintiff William R. Dean.

10. As a direct and proximate result of the aforementioned negligent and wrongful acts of Defendant Ricky Wills, Plaintiff William R. Dean was caused to sustain severe and permanent injuries to his neck, shoulder and back, among other injuries to his person; and said Plaintiffs' vehicle was damaged and is now worth less due to the damage and subsequent repair.

11. Defendant Ricky Wills' negligent conduct proximately caused the collision described above and resultant injuries to Plaintiff William R. Dean, as well as diminished value to his vehicle.

12. Defendants Ohio Valley Veneer and Ed Robbins Trucking are negligent due to the negligent hiring and/or supervision of Defendant Ricky Wills.

13. Defendants Ohio Valley Veneer and Ed Robbins Trucking are responsible under the doctrine of *respondeat superior*.

DAMAGES

14. As a direct and proximate result of all Defendants joint and several negligent and wrongful conduct, Plaintiff William R. Dean suffered the following damages:

- a. past and future pain and suffering of mind and body
- b. past and future mental anguish
- c. past and future medical treatment and expense
- d. past and future lost enjoyment of life
- e. past and future diminished income earning ability
- f. diminished value to Plaintiffs' vehicle

15. As a further and proximate result of the negligence of all Defendants joint and several, Plaintiff Deborah Dean has suffered a loss of consortium in that she has been deprived and will in the future be deprived of the normal marital relationship of her husband, William R. Dean.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, for compensatory damages, for an undetermined amount, for said amount of compensatory damages to be in excess of the requisite jurisdictional amount, and the said amount further to be determined by

a jury, for prejudgment and postjudgment interest, and for such other and further relief as this Court deems just and proper.

PLAINTIFFS DEMAND A TRIAL BY JURY.

**WILLIAM R. DEAN and
DEBORAH DEAN, husband and wife,
Plaintiffs,**

By Counsel

/s/ R. Edison Hill

R. Edison Hill (W.Va. State Bar #1734)
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